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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/774,807

02/01/2001

Yvonne F. Bell

JHM810

2614

7590

08/24/2005

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,807

Applicant(s)

BELL, YVONNE F.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. In the amendment filed 5/19/05, the following has occurred: claims 1, 3, and 5 have been amended. Now, claims 1-5 are presented for examination.
2. The rejections under 35 U.S.C. 101 have been withdrawn by the Examiner based on changes made by Applicant to the claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbuckle, U.S. Patent No. 5,651,117 in view of PR Newswire, New York State Relies on Sybase to Simplify and Streamline Processing of Death Certificates (hereinafter EDRS, paragraphs numbered by Examiner) and further in view of Perry et al., U.S. Patent No. 5,241,466.
5. As per claim 1, Arbuckle teaches a computer network system used to informed concerned entities that a person has died comprising: various sources which transmit a death notice to a funeral home informing the funeral home of the death of a patient (see column 6, lines 16-22); a funeral home to receive the death notice from the sources, said funeral home being linked by a computer network to concerned entities (see column 8, lines 45-48, note that in some embodiments, the depository is also the funeral home, see column 3, lines 29-35); said concerned entities being linked to said computer network of the funeral home to receive the death notice (see column 8, line 64 – column 9, line 7).

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6. Although Arbuckle teaches that death notices can be received from special sources that include any domain agreed upon to be monitored (see column 6, lines 41-44), the references does not explicitly teach that the special sources include a patient care facility. However, EDRS discloses electronic submission of death notices by a patient care facility (see paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to include this domain to be monitored into the system of Arbuckle. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of enhancing the ability to assure timely notice of a given death by broadening the domains to be monitored (see column 1, lines 52-55 of Arbuckle).

7. Although Arbuckle is directed to informing any contracting customer of a given death, the reference does not explicitly identify an insurance company nor the Social Security Administration as a contracting customer. However, Perry teaches a centralized system that monitors death notifications and links concerned entities including the an insurance company and the Social Security Administration (see column 2, lines 31-36 and column 4, lines 50-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to understand that any type of concerned entity can contract with the depository of Arbuckle. One of ordinary skill in the art would have been motivated to includes these examples of concerned entities for the purpose of providing a higher degree of assurance that entities that require notification of death be informed of particular deaths (see column 3, lines 10-14 of Arbuckle).

8. As per claim 2, Arbuckle in view of EDRS and Perry teach the system of claim 1 as described above. Arbuckle further teaches said concerned entities linked to the computer network and the funeral home also include a government entity charged with maintaining vital statistics within a community including deaths (see column 6, lines 25-34).

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9. As per claim 3, Arbuckle in view of EDRS and Perry teach the system of claim 2 as described above. Arbuckle further teaches said monitored sources are linked to said funeral home by a digital transmitting medium and hardware capable of transmitting a digital signal from the sources which can be received by the funeral home (see Figure 1).

10. As per claim 4, Arbuckle in view of EDRS and Perry teach the system of claim 3 as described above. Arbuckle does not explicitly teach including a pension plan administration office linked to said funeral home through the computer network to receive and transmit digital signals. Perry teaches a pension plan administration office linked to said centralized system through the computer network to receive and transmit digital signals (see column 2, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to understand that any type of concerned entity can contract with the depository of Arbuckle for the reasons given above with respect to claim 1.

11. Claim 5 recites substantially similar method limitations to system claim 1 and, as such, is rejected for similar reasons as given above.

Response to Arguments

12. In the remarks filed 5/19/05, Applicant argues in substance that the EDRS reference fails to teach certain features recited in the claims. It is respectfully submitted these arguments have been fully considered but are now moot in view of the new grounds of rejection in view of Arbuckle as detailed above.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Wilson teaches electronic death notification that includes communication between a patient care facility and a funeral home.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/22/05


C. Luke Gilligan
Patent Examiner
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